

Chairperson: Chairman Lee Holloway, 278-4261
Committee Clerk: Delores Hervey, 278-4230
Research Analyst: Terrence Cooley, 278-4994

COMMITTEE OF THE WHOLE

Tuesday, November 1, 2005

2:00 P.M.

Milwaukee County Courthouse – Room 203-R

MINUTES

PRESENT: Supervisors Nyklewicz, Coggs-Jones, Borkowski, De Bruin, Quindel, Mayo, Schmitt, Johnson, Weishan, McCue, Cesarz, Broderick, Clark, Devine, Dimitrijevic, Rice, West and Holloway (Chair)-18 **ABSENT:** White-1

TAPE NO. 1 SIDE A-EOT & SIDE B-561

SCHEDULED ITEMS:

CLOSED SESSION:

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(e) and (g), for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter.

1. 05-224 An adopted resolution authorizing Milwaukee County to enter into an agreement with the State of Wisconsin Department of Transportation (a) (WisDOT) for removal of the Courthouse Annex facility. **(Also to Transportation, Public Works and Transit, Parks, Energy and Environment, and Finance & Audit)**

At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions(s) it may deem necessary on the aforesaid matter.

#41 ACTION BY: (Clark) Moved to go into closed session.

Discussion ensued on going into closed session.

SCHEDULED ITEMS:

On the motion to go into closed session. Vote 12-6

AYES: Coggs-Jones, Quindel, Mayo, Schmitt, Johnson, Weishan, Cesarz, Clark, Dimitrijevic, Rice, West and Holloway (Chair)-12

NOES: Nyklewicz, Borkowski, De Bruin, McCue, Broderick, and Devine-6

EXCUSED: White-1

Mr. Domina indicated that the Chairman designates who should remain in closed session for providing information to the Board.

The contractor was excused as well as the Journal/Sentinel Reporter.

Dave Umhoefer stated for the record that the Journal/Sentinel is opposed to the Committee going into closed session.

Chairman Holloway indicated that the foundation of the issue would be discussed in open session.

#124

ACTION BY: (Clark) Moved to go back into open session. Vote 18-0

AYES: Coggs-Jones, Borkowski, De Bruin, Quindel, Mayo, White, Schmitt, Johnson, Weishan, McCue, Cesarz, Broderick, Clark, Devine, Dimitrijevic, Rice, West, and Holloway (Chair)-18

NOES: None

EXCUSED: Nyklewicz-1

A short break was taken.

Roll call was taken and the following Committee members were

Present: Supervisors Coggs-Jones, Borkowski, De Bruin, Quindel, Mayo, White, Schmitt, Johnson, Weishan, McCue, Cesarz, Broderick, Clark, Devine, Dimitrijevic, Rice, West, and Holloway (Chair)-18

Excused: Nyklewicz-1

Supervisor Nyklewicz arrived after the roll call was taken.

Mr. Domina explained why the Committee went into Closed Session and that the Committee met the requirements of Wisconsin Law.

SCHEDULED ITEMS:

APPEARANCES:

William Domina, Corporation Counsel

Chief Judge Kitty Brennan

Greg High, Director, Architecture, Engineering and Environmental Services (AE&ES) Section, Parks Division (DPPI)

George Torres, Transportation Superintendent, Department of Parks & Public Infrastructure (DPPI)

Jack Takerian, Chief of Operations, Parks Division

Steve Agostini, Fiscal and Budget Administrator

John L. Goetter, P.E., S.E., Graef, Anhalt, Schloemer & Associates, Inc. (Contractor on Site)

Chairman Holloway stated that a resolution by Supervisors Weishan and White was before the Committee.

Chief Judge Kitty Brennan addressed the Committee and voiced her concerns on the safety and parking for the Judicial officials. She also distributed information entitled USMS Requirements and Specifications for Special Purpose and Support Space Manual and a Court Security Guide (which will be contained as part of the said file).

Discussion ensued.

#334

ACTION BY: (White) Moved approval of the resolution by Supervisors Weishan and White.

Chairman Holloway asked Mr. Cooley to read the resolution.

Mr. Cooley read the following BE IT RESOLVED clauses of the said resolution:

BE IT RESOLVED, that the County Board of Supervisors hereby authorizes the Superintendent of Transportation to execute the Memorandum of Understanding with the State of Wisconsin Department of Transportation to allow the Federal Highway Administration share of Park East remnant sales to be used for the demolition of the Milwaukee County Courthouse Annex building for the amount of \$5.2 million without accepting the state is not responsible for paying for replacement and relocation costs; and

SCHEDULED ITEMS:

BE IT FURTHER RESOLVED, that replacement parking for those affected by the removal of the Annex facility will be provided for by parking at MacArthur Square (Judiciary Parking), 6th and State, the County owned parcel west of the Museum, and permitted on street parking; and

BE IT FURTHER RESOLVED, that Corporation Counsel and the Superintendent of Transportation be authorized and directed to obtain a ruling from the United States Department of Transportation as to the past responsibility of the Wisconsin Department of Transportation to include the Milwaukee County courthouse annex in its environmental impact assessment for the Marquette Interchange reconstruction project and whether or not costs for demolition of the annex and replacement of the structure should have been included; and

BE IT FURTHER RESOLVED, that negotiations will continue with Wispark for the use of the former Pabst Brewery site for county employee parking; and

BE IT FURTHER RESOLVED, that after demolition of the Annex facility is completed a new two story parking structure will be constructed on the former land area of the Annex facility to include one level of underground parking and one level of above ground parking as outlined in Preliminary Option Number 4, September 1, 2005 from Graef, Anhalt, Schloemer at an estimated cost of \$3.7 million bringing the total estimated project cost to \$9.8 million before bond financing; and

BE IT FURTHER RESOLVED, that the Superintendent of Transportation will notify the Wisconsin Department of Transportation of the County's plan to construct the two-story parking structure to determine how construction of the two-story parking structure can be coordinated with the Marquette Interchange reconstruction project; and

BE IT FURTHER RESOLVED, that the Superintendent of Transportation and the Superintendent of Parks is authorized and directed to plan for an office/parking facility at 6th and State that Milwaukee County will pay for but will pursue reimbursement from the Federal Highway Administration funds.

SCHEDULED ITEMS:

BE IT FURTHER RESOLVED, that the Superintendent of Transportation will notify the Wisconsin Department of Transportation of the County's plan to construct the two-story parking structure to determine how construction of the two-story parking structure can be coordinated with the Marquette Interchange reconstruction project; and

BE IT FURTHER RESOLVED, that the Superintendent of Transportation and the Superintendent of Parks is authorized and directed to plan for an office/parking facility at 6th and State that Milwaukee County will pay for but will pursue reimbursement from the Federal Highway Administration funds.

#373 Discussion ensued on whether or not any of the parking options presented to the Committee can accommodate all or some of the criteria outlined by the Chief Judge.

#425 **ACTION BY: (Nyklewicz) Delete lines 90-93 of the last BE IT FURTHER RESOLVED CLAUSE which reads as follows: Vote 12-7**

BE IT FURTHER RESOLVED, that the Superintendent of Transportation and the Superintendent of Parks is authorized and directed to plan for an office/parking facility at 6th and State that Milwaukee County will pay for but will pursue reimbursement from the Federal Highway Administration funds.

AYES: Nyklewicz, Borkowski, De Bruin, Quindel, Mayo, Schmitt, McCue, Cesarz, Broderick, Devine, Dimitrijevic and Rice-12

NOES: Coggs-Jones, White, Johnson, Weishan, Clark, West and Holloway (Chair)⁷

#451 **ACTION BY: (Schmitt) Delete lines 78-89 that reads as follows:**

BE IT FURTHER RESOLVED, that after demolition of the Annex facility is completed a new two story parking structure will be constructed on the former land area of the Annex facility to include one level of underground parking and one level of above ground parking as outlined in Preliminary Option Number 4, September 1, 2005 from Graef, Anhalt, Schloemer at an estimated cost of \$3.7 million bringing the total estimated project cost to \$9.8 million before bond financing; and

SCHEDULED ITEMS:

BE IT FURTHER RESOLVED, that the Superintendent of Transportation will notify the Wisconsin Department of Transportation of the County's plan to construct the two-story parking structure to determine how construction of the two-story parking structure can be coordinated with the Marquette Interchange reconstruction project; and

Discussion ensued. Supervisor Weishan urged the Committee not to delete lines 78-89 because the State needs clarity on what the County wants to do with the Courthouse Annex footprint.

Supervisor Weishan further stated that the three decisions that needed to be addressed by the Committee were: (1) Tear down the annex, (2) agree with the MOU and (3) decide on the type of parking on Tenth Street.

#487 Supervisor White stated that the Preliminary Option #4 is not something that was proposed today but had been part of discussions for the last two months and was put on the table.

Discussion continued on the proposed resolution.

#537 Supervisor De Bruin commented on lines 78-89 and wanted to know where the substantive discussion on this option occurred. She wanted verification on what needs to be told to the State about the type of retaining wall and whether or not there is a need for one before the November 4, 2005 deadline.

#546 Mr. High stated that the options were discussed in the task force meetings. There was a different timeframe of July 15 -September 15, 2005.

Discussion ensued regarding impact, if any, on the agreement if the wall type is changed from a typical freeway retaining wall facing the hill to a full height retaining wall could impact the agreement. Mr. High stated this is something that needs to be negotiated with Walsh because a firm price for a set of work was negotiated and now something else is being added. He could not advise what the cost would be for the change. The County Board had only directed the Courthouse Annex Task Force to look at surface parking.

SCHEDULED ITEMS:

#576 Supervisor De Bruin voiced her concerns that: (1) the Committee does not know what the State's response will be, (2) whether or not the November 4, 2005 is the deadline for this component and (3) the costs to accomplish this. Given these set of facts, she wanted to know if this is the only option to meet the security/parking concerns raised by the Chief Judge.

Mr. High stated that the Courthouse Annex Task Force's recommendation with surface lot parking alternatives did not address the Chief Judge's security concerns. He further stated that in a recent task force report, a cost out for those additional items was addressed. The additional cost would be up to \$1.6 million to the surface lots to address the Chief Judge's concerns. A canopy, incorporating a tunnel with a stair tower, would address those concerns.

#590 Supervisor De Bruin commented that this proposed resolution is an option that could address the judicial concerns. However, to amend the original option of a surface lot with \$1.6 million or so in additional work, could also meet those concerns.

Discussion ensued.

#604 Mr. Torres stated the \$5.2 million that is currently on the table is the State's maximum they agreed to pay. The issue right now is relative to another alternative that includes the timing issue and constraints on the construction process by going to a full size wall. It appears there would be no conflict to complete the two-story structure based on preliminary discussions with Walsh. If the County goes with the surface lot for \$1.6 million, the MOU would stand as it is now.

Discussion continued with Mr. Goetter of Graef, Anhalt, Schloemer & Associates (contractor on site), responding to their work on four County projects.

#680 Supervisor McCue inquired if an RFP was needed. Mr. High said Graef, Anhalt, Schloemer & Associates have been retained to work on the demolition of the building. The components of the parking structure are integral to the demolition at this time. There would be a proposal and review to do that work.

SCHEDULED ITEMS:

- #689** Mr. Domina addressed the timeframe for the demolition within the MOU. If the demolition interferes with the construction of the Marquette Interchange, substantial penalties, per the MOU, would occur for delays.
- Supervisor McCue asked if a feasibility study was done on the two proposals in the resolution. Mr. High said the task force only covered the scope of work approved by the County Board.
- Discussion continued on whether or not the Committee had to decide today on what to do with the Tenth Street parking, type of retaining wall, costs, capital borrowing, revenue bonding, and debt service.
- B-18** Mr. Agostini addressed the Committee on financing of the project.
- B-49** Mr. Domina stated that the County's Labor Contracts permits charging for parking stalls in the annex facility but indicates that the charge is not available for any other County owned or operated parking facility.
- B-60** Discussion continued on how long it would take to pay off the project and if the project could be done in two phases with using both Revenue and General Obligation Bonds as funding sources.
- Mr. Agostini indicated that a variety of options could be reviewed.
- #120** Chairman Holloway suggested to Supervisor Schmitt to withdraw his amendment to delete lines 78-89. In addition he asked Supervisor Coggs- Jones to make a motion for lay over because of the different options presented and that could be addressed on the Board floor. This would also allow more information to come forth on the costs and how to pay for the project.
- B-139** Mr. Domina indicated that the Committee needed to take an action to get the matter before the Board. Laying the matter over would not accomplish that. The Committee could either take an action of voting the resolution up or down or procedurally Place it on File.
- B-149** Supervisor Nyklewicz asked Supervisor Schmitt to consider entertaining a vote on the amendment that was before the Committee. This would afford the Committee an opportunity to vote in favor of the two-tier parking structure or demolition of the annex.

SCHEDULED ITEMS:

- B-187** Supervisor De Bruin requested a written recommendation from the Courthouse Annex Task Force and asked that the task force also compare the two-tier parking structure option with the second option to construct a surface level lot with a canopy that was addressed by the Chief Judge.
- B-219** Discussion continued on the deletion of lines 78-89 and the precedence of motions.
- B-314** **On the amendment to delete lines 78-89. Vote 9-10 Motion fails.**
- AYES:** Nyklewicz, Borkowski, De Bruin, Quindel, Schmitt, McCue, Cesarz, Devine and Rice-9
NOES: Coggs-Jones, Mayo, White, Johnson, Weishan, Broderick, Clark, Dimitrijevic, West and Holloway (Chair)-10
- B-322** **ACTION BY: (Mayo) Approve as amended**
- B-326** **ACTION BY: (Cesarz) Offered a substitute amendment to replace with the alternative resolution.**
- B-335** Supervisor Coggs-Jones requested that the resolution by Supervisors Weishan and White be voted on first before considering the alternative resolution.
- B-341** Mr. Domina responded to the proposal to substitute the unmarked resolution.
- Chairman Holloway ruled that Supervisor Cesarz's motion is not in order because the Committee still had the resolution by Supervisors Weishan and White before them.
- Supervisor Cesarz challenged the Chairman's ruling.
- Discussion ensued with Mr. Domina providing clarity.
- B-426** Supervisor Broderick requested to be added as a co-sponsor to the resolution by Supervisors Weishan and White. Upon hearing no objections, Chairman Holloway so ordered the change.

SCHEDULED ITEMS:

- B-430** **ACTION BY: (Coggs-Jones) Move approval of the resolution as amended with staff within the next 24 hours providing the requested information that Supervisor De Bruin has shared and also staff responding to the requests that the Chief Judge has shared regarding security measures and will that inflate the costs so the Supervisors can deliberate fully on County Board Day.**
- B-442** Discussion ensued and Mr. Domina provided clarity that if the Committee supported the ruling of the Chair, their vote would be in the affirmative and if they did not, the vote would be in the negative.
- B-456** **On Supervisor Cesarz's challenge of the ruling by the Chair. Vote 18-1**
- AYES:** Nyklewicz, Coggs-Jones, Borkowski, De Bruin, Quindel, Mayo, White, Schmitt, Johnson, Weishan, McCue, Broderick, Clark, Devine, Dimitrijevic, Rice, West and Holloway (Chair)-18
NOES: Cesarz-1
- #466** Supervisor Coggs-Jones restated her motion to approve the amended resolution by Supervisors Weishan, White and Broderick and directing staff to prepare a report within 24-hours on requested information by Supervisor De Bruin and the Chief Judge that would include cost estimates and that the Department of Administrative Services provide information on how to accomplish funding for the demolition.
- #494** Supervisor Nyklewicz stated that the motion by Supervisor Coggs-Jones would get the issue before the full Board. This would afford the Supervisors an opportunity to debate further at the Board level and ask for division of the question and vote separately on the issue again if needed.
- B-549** **On the motion to approve as amended with directions to both County Board and DAS staff. Vote 15-4**
- AYES:** Nyklewicz, Coggs-Jones, Borkowski, De Bruin, Mayo, White, Johnson, Weishan, Broderick, Clark, Devine, Dimitrijevic, Rice, West and Holloway (Chair)-15
NOES: Quindel, Schmitt, McCue and Cesarz-4

SCHEDULED ITEMS:

Staff Present:

Terrence Cooley, Chief of Staff
Brian Dranzik, Research Analyst
Julie Esch, Research Analyst

This meeting was recorded on tape. Committee files contain copies of communication, reports and resolutions, which may be reviewed upon request to the Chief Committee Clerk. The official copy of these minutes is available in the County Board Committee Services Division.

Length of meeting: 2:00 p.m. to 6:10 p.m.

Adjourned,

Delores "Dee" Hervey, Committee Clerk

ADA accommodation requests should be filed with the Milwaukee County Executive Office for Persons with Disabilities 278-3932 (voice) or 278-3937 (TTD) upon receipt of this notice.